

PATENT COOPERATION TREATY

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Corrected version

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

To:

see form PCT/ISA/220

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/B2005/000656

International filing date (day/month/year)
15.03.2005

Priority date (day/month/year)
15.03.2004

International Patent Classification (IPC) or both national classification and IPC
A43B17/02, B29D31/518

Applicant
TECHNOGEL ITALIA S.R.L.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/000656

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/000656

**Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, Inventive step or
Industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	4-6,8,9,11,15-18
	No: Claims	1-3,7,10,12-14
Inventive step (IS)	Yes: Claims	4-6,8,9,11,15-18
	No: Claims	1-3,7,10,12-14
Industrial applicability (IA)	Yes: Claims	1-18
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

1 Reference is made to the following documents:

- D1: DE 299 05 961 U1 (ZIMMERMANN, JUERGEN) 16 September 1999 (1999-09-16)
D2: US-A-3 724 106 (MAGIDSON H,US) 3 April 1973 (1973-04-03)
D3: US-B1-6 532 689 (JONES, JR. LESLIE O) 18 March 2003 (2003-03-18)
D4: WO 00/24283 A (VINDRIIS, SOEREN) 4 May 2000 (2000-05-04)

2 INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.
Document D1 discloses (the references in parentheses applying to this document): a composite (layer 3 and 4) footwear insole having a front portion for interacting with the user's foot at the metatarsal region and at least partly at the plantar arch, and a rear portion for interacting with the foot over the heel region, whereby said rear portion has at least one layer of gel material (4) whose plan size is substantially equal to that of said rear portion to uniformly support the heel and absorb stresses acting thereon.

The subject-matter of the claim is thus not new according to the alternative '*substantially equal to that of said rear portion*', as introduced by the term '*at least*'.

- 2.2 The subject-matter of the claim is also not new in view of the disclosures of D2, D3 and D4.

3 INDEPENDENT CLAIM 13

- 3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 13 is not new in the sense of Article 33(2) PCT.
Document D1 inherently discloses (the references in parentheses applying to this document):
a method of manufacturing a footwear insole as claimed in one or more of the

preceding claims, comprising the steps of forming a front portion designed to interact with the foot at the metatarsal region and partly at the plantar arch (the insole is flat, the plantar arch is not), and forming a rear portion, integral with the front portion (all being layer 4), and designed to interact with the heel, whereby it comprises the step of forming a gel layer (4), and molding it in a special mold, substantially over the whole plan size of said rear portion.

This mold may either by a mold to make sheets of gel layers and thereafter cutting it to a feet-shape, or a mold to make individual feet shapes directly.

The subject matter of the claim is thus not new according to the alternative *'partly at the plantar arch'*, as introduced by the term *'at least'*.

4 DEPENDENT CLAIMS 2, 3, 7, 10, 12, 14

Dependent claims 2, 3, 7, 10, 12, 14 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

5 DEPENDENT CLAIMS 4-6, 8, 9, 11, 15-18

The combination of the features of dependent claims 4-6, 8, 9, 11, 15-18 are neither known from, nor rendered obvious by, the available prior art.